

1 STATE OF VERMONT  
2 PUBLIC SERVICE BOARD  
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4 Docket No. 7032  
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6 Petitions of Vermont Electric Power Company, Inc.  
7 ("VELCO"), Green Mountain Power Corporation  
8 ("GMP"), and the Town of Stowe Electric  
9 Department ("Stowe") and for a certificate of public  
10 good, pursuant to 30 V.S.A. Section 248,  
11 authorizing VELCO to upgrade a substation in  
12 Moretown, Vermont; construct .3 miles of side by  
13 side single pole tap; construct a switching station in  
14 Duxbury, Vermont; construct 9.4 miles of 115 kV  
15 transmission line; upgrade an existing GMP 34.5  
16 kV subtransmission line; construct a substation in  
17 Stowe, Vermont; and for Stowe to construct 1.05  
18 miles of 34.5 kV subtransmission line in Stowe,  
19 Vermont.  
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21 VERMONT AGENCY OF NATURAL RESOURCES' PREFILED TESTIMONY OF  
22 JOHN AUSTIN  
23

24 **Q1. Please state your name, business address and occupation.**

25 A1. My name is John Austin. I am a wildlife biologist with the Vermont Fish and  
26 Wildlife Department. My business address is 5 Perry Street, Suite 40, Barre, VT  
27 05641.

28 **Q2. Please describe your educational background and relevant work experience.**

29 A2. I am employed by the Vermont Department of Fish and Wildlife as a Wildlife  
30 Biologist. My primary responsibilities are to represent the Department's interests  
31 in land use regulatory matters that effect wildlife habitat. I serve as chair to the  
32 Department's Habitat Assessment Team whose purpose it is to address the  
33 Department's interests in regulatory matters through development of policy  
34 proposals, environmental review guidelines, etc. I also serve as a member of the  
35 Department's Waterfowl Management Team and work on issues related to the

1 management of state lands. I hold a B.S. degree from the University of Vermont  
2 in Wildlife Biology and an M.S. degree from the Vermont Law School in  
3 Environmental Law and Policy. I have worked as a wildlife biologist for the  
4 U.S.D.A. Animal and Plant Health Inspection Service, the U.S. Fish and Wildlife  
5 Service, as a technician for the Vermont Department of Fish and Wildlife, and as  
6 a Research Biologist for the University of Vermont. I have also been a self-  
7 employed environmental consultant. I have conducted research on wildlife  
8 species such as red squirrel behavior and habitat selection through radio-  
9 telemetry, the effects of snapping turtle predation on waterfowl production on the  
10 Mississquoi National Wildlife Refuge, the use of registered toxicants for rodent  
11 control in apple orchards, and the application of the federal Clean Water Act for  
12 Fish and Wildlife habitat protection in the FERC relicensing process. I am  
13 currently coordinating two research projects involving the effects of ski area  
14 development on the use of habitat by black bears in Jay, Vermont, and wildlife  
15 use of a transportation underpass using infra-red photography technology in  
16 Essex, Vermont. I have been involved in many cases related to the protection of  
17 wetland habitat for wildlife in the CUD process.

18  
19 I am a Certified Wildlife Biologist and an active member of The Wildlife Society.  
20 I am certified by the U.S. Fish and Wildlife Service in Habitat Evaluation  
21 Procedures, certified by the U.S.E.P.A. in Wetlands Identification, and certified  
22 by the Institute for Participatory Management and Planning in Management  
23 Leadership. I have attached my resume to this testimony. (Exhibit ANR JA-1).

1   **Q3.   What is the purpose of your testimony in this proceeding?**

2   A3.   The purpose of my testimony is to provide the Agency's position on the proposed  
3       Project with respect to the impact to necessary wildlife habitats.

4   **Q4.   Are you familiar with the proposed Project?**

5   A4.   Yes. I am familiar with the Project and have reviewed VELCO's prefiled  
6       testimony as it related to impacts to necessary wildlife habitat.

7   **Q5.   Could you explain how the Agency identifies a necessary wildlife habitat?**

8   A5.   We identify areas of necessary wildlife habitat through the application of digital  
9       habitat data and through field investigations. Deer winter habitat, certain  
10      wetlands, black bear feeding habitat, black bear travel corridors, heron rookeries,  
11      and habitat for rare, threatened and endangered species are all identified through  
12      field investigations, evidence of use by the associated species of concern or  
13      interest, and then through mapping to delineate that habitat.

14   **Q6.   Do you believe has VELCO applied the appropriate definition and utilized it**  
15       **in determining what necessary wildlife habitats are potentially impacted by**  
16       **the project?**

17   A6.   Yes, the Department is of the opinion that VELCO has appropriately identified  
18       necessary wildlife habitat associated with the proposed project.

19   **Q7.   Do you believe that the Project, if permitted, would impact any necessary**  
20       **wildlife habitat?**

21   A7.   Yes. The Applicant has identified significant deer winter habitat associated with  
22       the project route and proposes to directly impact approximately 5.7 acres of that  
23       habitat. The Department considers deer winter habitat as a critical habitat for the

1 survival of Whitewhite-tailed deer in Vermont and has been considered  
2 “necessary wildlife habitat,” as defined by Act 250, for over two decades.  
3 Incremental loss of this habitat is significant for the state’s ability to maintain a  
4 viable deer population and accommodate the public’s interests in the deer  
5 resource.

6 **Q8. Are there any measures you would require in order to address the impact of**  
7 **the loss of the deer wintering area?**

8 A8. Yes. The Department considers 5.7 acres of direct impact to deer winter habitat as  
9 significant and, depending on the site-specific circumstances, may require  
10 additional consideration and mitigation. The Department typically recommends  
11 avoidance and minimization of impacts to the extent possible, and compensation  
12 for unavoidable impacts. Compensation is typically accomplished by the  
13 permanent protection of deer winter habitat of equal or greater quality than the  
14 habitat impacted by the project. The Department, through the application of its  
15 Guidelines for the Review and Mitigation of Impacts to Deer Winter Habitat in  
16 Vermont, requires compensation for the unavoidable loss of this habitat. (ANR  
17 JA-2). Compensation is performed at a 2:1 ratio for lands considered to be on-site,  
18 and at a 4:1 ratio for lands considered to be off-site.

19 **Q9. Are there any additional means of mitigating the effects of the impact of the**  
20 **Project?**

21 A9. Other forms of mitigation for impacts to deer winter habitat associated with  
22 electric powerline projects has included: (1) establishment of travel corridors to  
23 off-set the fragmenting effects of the power line corridor on the habitat and the

1 ability of deer to move within the habitat during winter months; (2) habitat  
2 enhancement; and (3) restrictions on the modes of access for winter maintenance  
3 along those portions of the power line corridor within deer winter habitat.

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5 In this case, the Department believes it is necessary to visit the sites of the  
6 proposed impact areas before offering a final opinion regarding whether the  
7 impacts are significant and to what extent mitigation may be required.

8 **Q10. Does this conclude your testimony?**

9 A10. Yes it does.

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